

House File 6

S-3094

1 Amend House File 6, as amended, passed, and
2 reprinted by the House, as follows:

3 1. By striking everything after the enacting clause
4 and inserting:

5 <Section 1. Section 614.1, subsection 12, Code
6 2015, is amended to read as follows:

7 12. *Sexual abuse or sexual exploitation by a*
8 *counselor, therapist, or school employee.* An action
9 for damages for injury suffered as a result of sexual
10 abuse, as defined in section 709.1, by a counselor,
11 therapist, or school employee, as defined in section
12 709.15, or as a result of sexual exploitation by a
13 counselor, therapist, or school employee shall be
14 brought within five ten years of the date the victim
15 was last treated by the counselor or therapist, or
16 within five ten years of the date the victim was
17 last enrolled in or attended the school, or, if the
18 victim was a minor when the sexual abuse or sexual
19 exploitation occurred, within ten years of the date the
20 victim attains the age of eighteen.

21 Sec. 2. Section 614.8, subsection 2, Code 2015, is
22 amended to read as follows:

23 2. Except as provided in section 614.1, ~~subsection~~
24 subsections 9 and 12, the times limited for actions in
25 this chapter, or chapter 216, 669, or 670, except those
26 brought for penalties and forfeitures, are extended
27 in favor of minors, so that they shall have one year
28 from and after attainment of majority within which to
29 file a complaint pursuant to chapter 216, to make a
30 claim pursuant to chapter 669 or 670, or to otherwise
31 commence an action.

32 Sec. 3. Section 709.15, subsection 1, paragraph f,
33 Code 2015, is amended by striking the paragraph and
34 inserting in lieu thereof the following:

35 *f.* (1) "*School employee*" means any of the
36 following, except as provided in subparagraph (2):

37 (a) A person who holds a license, certificate,
38 authorization, or statement of recognition issued by
39 the board of educational examiners under chapter 272.

40 (b) A person employed by a school district or
41 nonpublic school full-time or part-time.

42 (c) A contract employee of a school district or
43 nonpublic school who has significant contact with
44 students enrolled in the school district or nonpublic
45 school.

46 (d) A person who performs services as a volunteer
47 for a school district or nonpublic school and who has
48 significant contact with students enrolled in the
49 school district or nonpublic school.

50 (2) "*School employee*" does not include a student

1 enrolled in a school district or nonpublic school.
2 A person who would otherwise meet the definition of
3 school employee under subparagraph (1), subparagraph
4 division (d), shall not be considered a school employee
5 for purposes of this paragraph "f" if the person is
6 less than four years older than the student with
7 whom the person engages in conduct prohibited under
8 subsection 3, paragraph "a", and the person is not in a
9 position of direct authority over the student.

10 Sec. 4. Section 709.15, subsection 3, Code 2015, is
11 amended by adding the following new paragraph:

12 NEW PARAGRAPH. c. The provisions of this
13 subsection do not apply to a person who is employed
14 by, volunteers for, or is under contract with a school
15 district or nonpublic school if the student is not
16 enrolled in the same school district or nonpublic
17 school that employs the person or for which the person
18 volunteers or is under contract, and the person does
19 not meet the requirements of subsection 1, paragraph
20 "f", subparagraph (1), subparagraph division (a).>

21 2. Title page, by striking lines 1 through 3
22 and inserting <An Act relating to sexual abuse, the
23 criminal offense of and applicability of related
24 penalties for sexual exploitation by a counselor,
25 therapist, or school employee, and the time within
26 which actions may be brought for damages for such
27 injury.>

28 3. By renumbering as necessary.

COMMITTEE ON JUDICIARY
STEVEN J. SODDERS, CHAIRPERSON